

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-20 are presently active in this case. The present amendment amends claims 1, 7 and 19. The above amendment shows all currently active claims and their respective status.

In the outstanding Office Action, claims 1, 3, 5-7, 9, 11-13, 15 and 17-20 were rejected under 35 U.S.C. §102(e) as anticipated by Thrasher et al. (U.S. Patent No. 5,952,820, hereinafter "Thrasher"). Claims 2, 4, 8, 10, 14 and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over Thrasher in view of Scott et al. (U.S. Patent No. 5,748,002, hereinafter "Scott").

Applicants wish to thank Examiner Nguyen for the courtesy of an interview granted to Applicant's representative on July 2, 2003, at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented and the Examiner indicated that in light of the arguments, the amended claims appear to overcome the Thrasher reference. The Examiner said he would reconsider the outstanding grounds for rejection and update his search.

Claims 1, 7 and 19 have been amended to recite "wherein the probe conductor is equidistant with the insulator along the entire contact surface."¹ The Thrasher patent fails to teach a probe conductor that is equidistant with the insulator along the entire contact surface. In contrast, the Thrasher patent explicitly teaches a conductor strip 21 inside an insulator that is not equidistant with a contact surface of the probe tip 14. The probe tip 14 is triangular in shape and thus, the insulator is not equidistant to the contact surface along an *entire* contacting surface.

In view of the above, the cited prior art fails to teach or suggest every feature recited in Applicant's claims, so that claims 1-20 are believed to be patentably distinguishable over the cited prior art. Accordingly, Applicant respectfully traverses and requests reconsideration of the rejections based on the Thrasher patent.² As such, Applicant respectfully traverses all rejections to the claims in light of their dependencies to amended claims 1, 7 and 19.

The present amendment is submitted in accordance with the provisions of 37 C.F.R. 1.116, which after final rejection, permits entry of amendments placing the claims in better form for consideration on appeal. As the present amendment is believed to overcome the outstanding rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a), the present amendment places the application in better form for consideration on appeal. It is respectfully requested that 37

¹ See, for example, Figs. 1-3 of the present application.

² See M.P.E.P. §2131: "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (citations amended) (emphasis added). See also M.P.E.P. §2143.03: "all words in a claim must be considered in judging the patentability of that claim against the prior art."

C.F.R. 1.116 be liberally construed, and that the present amendment be entered.

CONCLUSION

Accordingly, in view of the above remarks, and all of the stated grounds of rejection having been properly traversed, accommodated, and/or rendered moot, reconsideration of the rejections and allowance of each of claims 1-20 in connection with the present application is earnestly solicited. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is condition for allowance.

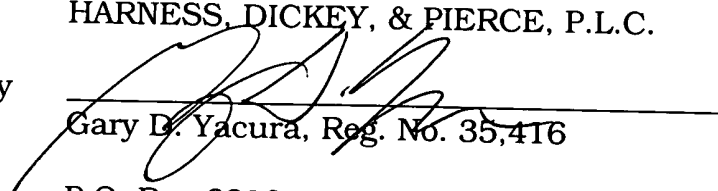
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Timothy J. Maier, Reg. No. 51,986, at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


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